

इतर मागासवर्गीय जातींमधील उन्नत आणि प्रगत व्यक्ती/गट (Creamy layer) वरुळून आरक्षणावे फायदे देण्याबाबत निकष निश्चित करण्याबाबत

महाराष्ट्र शासन

समाजकल्याण, सांस्कृतिक कार्य व कृषी विभाग,

शासन निर्णय, क्रमांक - सी.सी.टी. - 1094/प्र.क. 86/मावक - 5,

मंत्रालय वित्तार भवन, गुरुद्वारा 400 032, दिनांक 16 जून 1994.

बाबा :- 1) केंद्र शासन, गिनिस्ट्री ऑफ पर्सनेल, पर्सनल ग्रिव्हन्सेस अॅण्ड पॅनशन्स (हिपार्टमेंट ऑफ पर्सनेल अॅण्ड ट्रेनिंग) कडील कार्यात्मक ज्ञापन क्रमांक - 36012/22/93 - इएसटीटी (एस.सी.टी.) दिनांक 8 सप्टेंबर, 1993.

2) शासन निर्णय, सामान्य प्रशासन विभाग, क्रमांक - सी.सी.टी. - 1093/2167/सीआर - 141/93/ 16-३, दिनांक 23 मार्च, 1994.

प्रस्तावना :- शासन निर्णय, गांधान्य प्रशासन विभाग, क्रमांक सी.सी.टी. - 1093/2167/सीआर - 141/93/16-३, दिनांक 23 मार्च, 1994 अन्वये मंडल आयोजनाच्या शिफारशीनुसार इतर मागासवर्गीयांतील शास्त्रकीय व नियशास्त्रकीय सेवेत आरक्षण देण्याबाबती आदेश निर्देशित झालेले आहेत. मंडल आयोगाने त्यांच्या अहवालात सुचित केल्याप्रमाणे आणि सर्वांच्या न्यायालयाने याचिका क्रमांक (सिव्हील) 930/1990 इंदिरा सहानी व इतर पिंपराध भारत सरकार व इतर, मध्ये निवेशित केल्यानुसार सामग्रिक व शैक्षणिकदृष्टव्या मागासलेल्या वर्गातील (इतर मागासवर्गीय) उन्नत आणि प्रगत व्यक्ती/गट (Creamy layer) निश्चित करून त्यांना आरक्षणाच्या गाणि तदनुषंगाने इतर फायदांच्या काहेकून वर्गातीच्यासाठी निकष ठरविण्याच्या दृष्टीकोनातून जो निर्णय राख्य शाळानाने घेतलेला आहे त्याबाबतीचे आदेश समाजकल्याण, सांस्कृतिक कार्य व कृषी विभागाकडून निर्देशित करण्यात यावेत असे सदर आदेशातील घेरच्छेद क्र.4 मध्ये निवेशित केले आहे. या निवेशानुसार इतर मागासवर्गीयांतील प्रगत आणि उन्नत व्यक्ती/गट (Creamy layer) निश्चित करण्यासाठीचे निकष म्हणून खालीलप्रमाणे आदेश निर्देशित करण्यात येत आहेत:-

शासन निर्णय :- केंद्र शासनाने निपुण केलेल्या न्यायाधीश, ग्राम नंदन प्रसाद यांच्या अध्यक्षतेखालील संगीतीने या संदर्भात या शिफारशी दिनांक 10 मार्च, 1993 रोजी केंद्र शासनात विल्फा आणि केंद्र शासनाच्या कल्याण मंत्रालयाने त्या गान्य केल्या आहेत त्या सर्व शिफारशी खाली नमूद केलेल्या सुधारणांसह उन्नत व प्रगत व्यक्ती/गट (Creamy layer) निश्चित करण्यादे निकष राख्य शासन स्वीकृत करण्याचा निर्णय या आदेशाद्वारे घेत आहे.

1. कमाल शेती धारणा संदर्भातील अधिनियमातील बागायत केत्र धारणाच्या पात्र मध्येच्या 85 टक्के पर्यंत क्षेत्र धारणा करण्या-या व्यक्तीना उन्नत आणि प्रगत व्यक्ती व्यव्हाय गट म्हणून गणले जाणार नाही.

2. ज्यां व्यक्तीच्या धारणा केलेल्या क्षेत्रात विहिर बागायत केत्र आहे त्या व्यक्तीबाबत असे विहिर बागायत क्षेत्र बागायत न घरता निरायत घरले जाईल, कारण सर्वसाधारणत विहिरीमधून मुचलक स्वरूपात पाणी उपहार्य होत नाही.

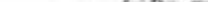
3. ग्राम स्तरावरील बलुतेदार यंत्रा वंशापरंपरामत उद्योग किंवा घंडा करण्याची व्यक्ती सुमजण्यात येऊन त्यांना उन्नत आणि प्रगत व्यक्ती/गट घरले जाणार नाही.

4. होशी सोलाह आणि कुडा सोशलील धर्दिचाईक सोलाह व्यवस्थी यांना उन्नत आणि प्रगत व्यवस्थी अपवा घटवण शणाले जाणार नाही.

हे आदेश भटकवा जमाती (क) घनवर व लत्सुम जाती, भटकवा जमाती (ड) यंगारी व तत्सुम जाती अणि इतर मामासवर्गीय यांना लागू राहतील.

वरीलतुमाणे निर्णयाच्या अंतीन राहून या व्यक्ती उन्नत आणि प्रकृत व्यक्ती अस्या मट महणून बणाल्या जातील त्याच्यावरूपे निकाळ आणि आदेशावरूपाच्या अनंतरीभाष्ये खिलत केलेले आहेत.

महाराष्ट्राचे राज्यपक्ष यांच्या आदेशानुसार / त. तांकाने.

(e) 雷明 告白 (告白印) 

प्राप्ति विद्या विद्या विद्या विद्या विद्या विद्या विद्या विद्या विद्या विद्या

• [સાચી જગત](#) • પરિવહન/પાયાંદારોને અનિતા હિંદુ માણિક કરેલું હાજરી હોય હાજરી હોય હાજરી હોય હાજરી હોય

संस्कृत वाचन के लिए उपयोग करते हैं।

संवाद विभाग/संवाद विभाग संवाद विभाग संवाद विभाग

विपरीत गुणवत्ता के लिए विभिन्न विधियाँ उपलब्ध हैं।

संवाद विभागाच्या अधिकारी/संवाद विभागाच्या अधिकारी,

संक्षिप्त विवरण सारांश मुख्य कायदाओं आधाराद्य।

* उत्तराखण्ड, उत्तर नैदल्य (मुख्य वाराणी) / अप्रति वाराणी), नैदल्य,

* प्रकाशक, लोकपुस्तक अवधि उत्पादनाविभाग याचन कामगारी, मुंबई.

* संस्कृत महायान लोकसन्ति वाचायम्, मुच्छ.

संस्कृत, शास्त्रीय. (१६-७), मुख्य.

सहीचर, सर्वे प्रार्थीश्चाक निवड महात्रै/सहीचर, गणव निवड महात्र,

संचालक, समाजकर्त्त्याओं, पुरो/आयुष्म, अदिवासी निकाल, नाहिंक,

संचालक, अधिदिवासी संशोधन व प्रतिष्ठान का संचया, पुर्ण/संचालक, सेवावाजनन, मुद्रण,

महाराष्ट्रायापाल, महाराष्ट्र-1/2 (लेका व अनुयोगित). मुंबई/नाशिंग्टन,

महालेखापाल, महाराष्ट्र - १/२ (सेल्या परिका), मुंबई/नवगांव,

अधिदान व सेक्युरिटीसे लेकापरीक्षा अधिकारी, मुख्यमंत्री तथा उपर्युक्त विधायक सभा के सदस्य

सर्व भगवान्तीन विभूतयात् अपिपत्याकालीत विभूतं प्रमुखं ए कार्यालयं प्रमुखः।

संघ भवनालयम् विभागः

नियंत्रण नम्बरी: मालवा-५.

* प्रकाशन के विवरों के लिए इसका उपयोग करें।

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SCHEDULE

Description of category

INSTITUTIONAL POSTS

- Son(s) and daughter(s) of persons holding positions of:
- (a) President of India;
 - (b) Vice President of India;
 - (c) Judges of the Supreme Court and of the High Courts;
 - (d) Chairman & Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India.

- (e) Persons holding Constitutional positions of like nature.

SERVICE CATEGORY

A. Group A/Class I officers of the All India Central and State Services (Direct Recruits)

- Son(s) and daughter(s) of:
- (a) parents, both of whom are Class I officers;
 - (b) Parents, either of whom is a Class I Officer
 - (c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation.
 - (d) parents, either of whom is a Class I officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years.

- (e) Parents, both of whom are Class I officers die or suffer permanent incapacitation and

Description of category

(c) To whom rule of exclusion will apply

before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years.

Provided that the rule of exclusion shall

(q) not apply in the following cases:-
(a) Sons and daughters of parents either of whom or both of whom are Class-I officers and such parent(s) dies/die or suffer permanent incapacitation.

(p) before her marriage to OBC category has got married to a Class-I officer, and may

(q) herself like to apply for a job.

B. Group B/Class II Officers of the Central & State Services (Direct Recruitment)

(a) Son(s) and daughter(s) of

(a) Parents both of whom are Class II officers;
(b) Parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier.

(c) Parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation.

(d) parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officer and the wife dies or suffers permanent incapacitation and;

Description of category	To whom rule of exclusion will apply
Exempted category of sons & daughters of officers (Direct recruits, promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation.	(e) Parents, of whom the wife is a Class I officer (Direct recruit or promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation.
Provided that the rule of exclusion shall not apply in the following cases	Sons and daughters of
	(a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation.
	Sons and daughters of
	(a) Parents, both of whom are Class III officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.
C. Employee in Public Sector Undertakings etc.	The criteria enumerated in A & B above in this Category will apply mutatis mutandi to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and position under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these institutions.

Description of category

To whom rule of exclusion will apply

D. ARMED FORCES INCLUDING PARA-MILITARY FORCES

(Persons holding civil posts are not included.)

son(s) and daughter(s) of parents either both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Forces and the Para Military Forces;

Provided that:-

- (i) if the wife of an Armed Forces Officer is herself in the Armed Forces (i.e. the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel;
- (ii) the service ranks below Colonel of husband and wife shall not be clubbed together;
- (iii) If the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she fails in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently.

- PROFESSIONAL CLASS AND THOSE ENGAGED
IN TRADE AND INDUSTRY
- (1) Persons engaged in profession as a doctor, lawyer, chartered Accountant, Income-Tax Consultant, financial or management consultant, surgeon, engineer, architect, computer specialist, film artist and other film professional, author, playwright, Media professional or any other vacatons of like status.

Criteria specified against Category VI will apply:-

Description of category	To whom rule of exclusion will apply
(II) Persons engaged in trade, business and Industry	Criteriora specified against Category VI will apply:
A.I) <u>PROPERTY OWNERS</u>	<p><u>Explanation :</u></p> <p>(i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income.</p> <p>(ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.</p> <p>Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns</p>
V <u>PROPERTY OWNERS</u>	<p>(a) only irrigated land which is equal to or more than 85% of the statutory ceiling area, or</p> <p>(b) both irrigated and unirrigated land, as follows:</p> <p>The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then</p>
A <u>Agricultural holdings</u>	

Description of Category

To whom rule of exclusion will apply

only the area of unirrigated land will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 85% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur.

(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.

B Plantations

- (i) Coffee, tea, rubber, etc.
 - (ii) Mango, citrus, apple plantations etc.
- C Vacant land and/or buildings in urban area or urban agglomerations.

Criteria of income/wealth specified in Category VI below will apply
Deemed as agricultural holding and hence criteria at above under this Category will apply. Criteria specific in Category VI below will apply.

Explanation : Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.

VI) INCOME/WEALTH TEST :

Son(s) and daughter(s)

- (a) Persons having gross annual income of Rs.1 lakh or above or possessing wealth above the exemption limit as prescribed in the wealth Tax Act for a period of three consecutive years,

Description of category	To whom rule of exclusion will apply
(b) Persons in categories I, II, III and VA who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.	<p><u>Explanation :</u></p> <p>(i) Income from salaries or agricultural a land shall not be clubbed;</p> <p>(ii) The Income criteria in terms of rupee will be modified taking into account the changes in its value every three years. If the situation, however, so demands, the interregnum may be less.</p> <p><u>Explanation :</u> Wherever the expression "permanent incapacitation" occurs in this schedule, it shall mean incapacitation which results in putting an officer out of service.</p>